Public Works, Infrastructure and Environment Committee

REPORT 06-001
9:30 a.m.
Monday, January 16, 2006
Council Chambers
2nd Floor, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor L. Dianni, Ex-Officio
Councillors M. McCarthy, Chair and M. Merulla, Vice Chair
Councillors D. Braden, C. Collins, P. Bruckler, T. Jackson, and D. Mitchell

Absent with regrets: Councillor M. Ferguson, illness

Also Present: Councillors B. Bratina and M. Pearson
G. Peace, City Manager
S. Stewart, General Manager, G. Davis, B. Goodger,
J. Harnum, D. Hull, C. Murray, C. Hill, W. Oakes,
P. Parker, B. Smith and E. Switenky, Public Works Department
G. MacDonald, Planning and Economic Development
D. Merriman, MacViro Consultants Inc and
S. Plaice, Jacques Whitford Ltd.
D. Edwards, Legal Services
D. Crocker, and T. Carsten from Davis & Company, LLP.
I. Bedioui, Clerk’s Office

THE PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE PRESENTS REPORT 06-001 AND RESPECTFULLY RECOMMENDS:

1. Volunteer/Sub-Committee Minutes – For Information (Item 5.1)
That the following Volunteer/Sub-Committee Minutes be received for information:
(a) Hamilton Cycling Committee Minutes of October 5, 2005.
2. **Mechanical Leaf Vacuum Service (PW06009) (City Wide) (Item 5.2)**

   That Report PW06009 respecting Mechanical Leaf Vacuum Service be received for information.

3. **Removal of PM Left Turn Prohibition - Arkeldun Avenue at Kingsway Drive (PW06005) - (Ward 2) (Item 5.3)**

   (a) That the existing “No Left Turn, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday to Friday” regulation be revised such that it is in effect during the a.m. rush hours only.

   (b) That the by-law as outlined in Report PW06005 Appendix “A” to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

4. **Intersection Control List, January 3, 2006 (PW06001) (Item 5.4)**

   That the appropriate By-law be presented to Council to provide traffic control as follows:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cedarville Dr.</td>
<td>Cornerstone Dr.</td>
<td>N/C</td>
<td>E/B</td>
<td>A</td>
</tr>
<tr>
<td>Clement Dr.</td>
<td>Cedarville Dr.</td>
<td>N/C</td>
<td>S/B</td>
<td>A</td>
</tr>
<tr>
<td>Parkmanor Dr.</td>
<td>Silverlace Cir.</td>
<td>N/C</td>
<td>W/B</td>
<td>A</td>
</tr>
<tr>
<td>Queensdale Ave. E.</td>
<td>East 36th St.</td>
<td>All Way</td>
<td>S/B</td>
<td>B</td>
</tr>
</tbody>
</table>

5. **To Incorporate Certain City Land Into Various Streets by By-Law (PW06002) - (Affects Wards 9 and 11) (Item 5.5)**

   (a) That the following City land be incorporated into the following streets:

<table>
<thead>
<tr>
<th>Street</th>
<th>Block</th>
<th>Plan</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downing Street</td>
<td>96</td>
<td>62M-1035</td>
<td>11</td>
</tr>
<tr>
<td>Edgecroft Crescent</td>
<td>5 and 6</td>
<td>62R-17172</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>7 and 8</td>
<td>62R-17173</td>
<td>9</td>
</tr>
<tr>
<td>Magnificent Way</td>
<td>95</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

_Council – January 25, 2006_
Plan 62M-1035 Ward 11
Voyager Pass Block 90
Plan 62M-1035 Ward 11
Windwood Drive Block 89
Plan 62M-1035 Ward 11

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.

(c) That the General Manager, Public Works, be authorized and directed to register the By-Laws.

6. Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007) - (Ward 9) (Item 6.1)

(a) That the application to permanently close a portion of the road allowance of Old Mud Street (the highway), in the former City of Stoney Creek, now in the City of Hamilton, be approved.

(b) That the City Solicitor be authorized and directed to prepare a By-law to permanently close the highway.

(c) That the appropriate by-law be introduced and enacted by Council.

(d) That the Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 and that the funds be used by the City for property purchases and sales.

(e) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office.

(f) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

(g) That should any archaeological assessments be required as a result of construction, all relevant legislation will be adhered to at the expense of the purchaser and be submitted to the Planning and Economic Development Department.
7. Proposed Permanent Closure of a Portion of Unopened Road Allowance of Edgehill Drive (PW06003/PED06023) (Ward 8) (Item 6.2)

(a) That the application to permanently close a portion of unopened road allowance known as Edgehill Drive be approved.

(b) That the appropriate By-law be introduced and enacted by Council.

8. Replacement of Street Sweepers (PW05095a) - (City Wide) (Item 7.1)

(a) That the City of Hamilton award an order for seven new street sweepers and one used street sweeper to The Equipment Specialist Inc. at a total cost of $2,035,655.25 to replace eight existing street sweepers that are no longer economical or efficient to operate, with sources of funding from approved 2004 Capital Budget Cost Centre 58550 - 4940451100 in the amount of $1,029,503.00 and from approved 2005 Capital Budget Cost Centre 58550 - 4940551100 in the amount of $1,006,152.25.

(b) That Item U “Cooperative RFP with Toronto for street sweepers” be removed from the Public Works, Infrastructure, and Environment Committee Outstanding Business List.

9. Green Cart Program Staffing - (PW06010) - (City Wide) (Item 7.3)

(a) That six (6) permanent full time Waste Collection Operator positions be added to the Waste Management Division staff complement to support the Green Cart Collection program that is scheduled to begin April 3, 2006;

(b) That salaries for the positions identified in recommendation (a) which total $265,460 (from April to December 2006) be funded from the 2006 Operating Budget.

See the Information Section for further disposition of this Item.

10. Multiple Unit Water Metering Policy - (PW06006) - (City Wide) Public Works, Infrastructure, and Environment Committee Outstanding Business Item “E” (Item 8.1)

(a) That the General Manager of Public Works be authorized and directed to implement the Multiple Unit Water Metering Policy, attached hereto as Appendix A, for the installation and maintenance of master water meters and sub-meters in Industrial, Commercial, and Institutional (hereinafter referred to as ICI) sites with multiple tenants or multiple unit residential dwellings within the

City of Hamilton and that this policy come into effect February 15, 2006.

(b) That Waterworks By-law R84-026 (as amended) be further amended to implement the new “Multiple Unit Water Metering Policy”.

(c) That Item E “Individual water meter agreement with Rebecca Street Holding and policy” be removed from the Public Works, Infrastructure, and Environment Committee Outstanding Business List.

11. **Recycling Program - Mixed Broken Glass Commodity Marketing (PW06008) (City Wide) (Item 8.2)**

(a) That the City enter into an agreement with Unical-Gaudreau Group ("Unical Inc.") to transfer and process mixed broken glass (MBG) from the City of Hamilton’s recycling program at a total cost of approximately $626,075, to be funded from Account 512520-55914, for a seven year contract period in accordance with the terms and specifications set out in Stewardship Ontario’s Glass Market Development Fund Request for Proposals (RFP) - Provision of Processing Capacity for Mixed Broken Glass for the following:

(i) Seven plus three one year options - processing costs per tonne, with revenue sharing between Unical Inc. and Cities/Regions

(ii) Seven plus three one year options - Haulage costs per tonne

(b) That the General Managers of Public Works and Finance and Corporate Services be authorized and directed to negotiate the agreement with Unical Inc. under the City’s Purchasing By-law, Policy #12, and if successful in those negotiations, finalize the contract in accordance with the provisions as set out in Stewardship Ontario’s Glass Market Development Fund Request for Proposals (RFP).

(c) That funds for the provision of the above services be incorporated into the Waste Management Division Operating Budget Account 512520-55914 beginning with the 2007 submission and the budget be reduced at that time to reflect the savings that will result from the contract with Unical-Gaudreau Group.

(d) That the Mayor and City Clerk be authorized and directed to execute the said Agreement in a form satisfactory to the City Solicitor.
12. Provincial Gas Tax Transit Master Plan Steering Committee Report 05-001 (Item 8.3)

(a) Appointment of Chair and Vice Chair (Item 2)

(i) That Councillor B. McHattie be appointed as Chair of the Provincial Gas Tax Transit Master Plan Steering Committee.

(ii) That Tim Nolan be appointed as Vice Chair of the Provincial Gas Tax Transit Master Plan Steering Committee.

(b) Selection of Consultant (Item 10)

(i) That due to time constraints, staff be authorized to select a consultant from the City’s roster to assist the Steering Committee in developing an Asset Management Plan and Ridership Growth Strategy.

(ii) That the scope of work and associated consulting fees be determined by the Steering Committee prior to final engagement of the consultant as outlined in subsection (a) and be funded from the gas tax reserve.

(c) Proposed Transit Fee Increase and Area Rating (New Business)

That in the interest of avoiding fare increases, the Area Rating Sub-Committee be requested to investigate other alternatives to the existing City of Hamilton’s Area Rating model.

13. Investigation of Warrants for the installation of Signals and Turning Lanes at Highway #6 & Chippewa Road and Highway #6 & Haldimand Road (Added Item 9.1)

Whereas a vehicle accident on Highway #6 and Chippewa Road has raised residents concerns respecting roadway safety in light of increasing traffic volumes, and

Whereas residents concerns respecting roadway safety in light of increasing traffic volumes in the vicinity of Highway #6 and Haldimand Road, and

Whereas Highway # 6 (South) is a Provincial highway,

It is therefore recommended:

(a) That the Ministry of Transportation of Ontario be formally requested to perform a review of warrants for the installation of turning lanes and signals (permanent or temporary) at the intersection of Highway #6 and Chippewa Road and

(b) That the Ministry of Transportation of Ontario be formally requested to perform a review of warrants for the installation of turning lanes and signals (permanent or temporary) at the intersection of Highway #6 and Haldimand Road.

14. Highway #6 (North) Winter Maintenance (Added Item 9.2)

Whereas a vehicle accident on Highway #6 (north of Hwy # 403) and north of Parkside Drive (4th Concession East, Flamborough) involving 5 fatalities may have been related to isolated drifting snow conditions, and

Whereas this location has been the site of other recent accidents related to snow drifting conditions, and

Whereas Highway # 6 is a Provincial Highway,

It is therefore recommended that the Ministry of Transportation of Ontario be formally requested to perform a review of roadway maintenance standards for Highway #6 (North of Hwy # 403) including snow fence installation, or any other mechanism that would be advantageous, specifically at the location of the December 22\textsuperscript{nd} accident involving 5 fatalities, north of Parkside Drive (4th Concession East, Flamborough), City of Hamilton.

15. Ontario Water Resources Act Charges - Treated Effluent Diversion (City Wide)(LS02006c) (Item 12.1)

That Report LS02006c entitled Ontario Water Resources Act Charges be received for information.

16. Edwards Landfill Site (Wards 5, 9 and 11)(LS06001)(Distributed under separate cover.) (Item 12.2)

That Report LS06001 entitled Edwards Landfill Site be received for information.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the agenda (Item 1):

The Clerk advised of the following changes to the agenda which were approved:

(i) Added Motion from Councillor Mitchell requesting the Province to investigate warrants for the installation of signals and turning lanes on Highway 6. Added Item 9.1.

(ii) Added Motion from Councillor Mitchell requesting the Province to review winter roadway maintenance of Highway 6. Added Item 9.2.

(b) Declarations of Interest (Item 2)

None declared.

(c) Minutes (Item 3)

The Minutes of the December 5, 2005 meeting were approved as presented.

(d) Delegation Requests

(i) The delegation request from Gary Hutton, Director, Communications Services, Conservation Halton, December 20, 2005, respecting Watershed Report Card to be presented at the March 6, 2006 Public Works, Infrastructure, and Environment Committee Meeting was approved. (Item 4.1)

(e) Public Hearings/Delegations

(i) Proposed Permanent Closure of a Portion of Old Mud Street Road Allowance, Stoney Creek (PW06007) - (Ward 9) (Item 6.1)

Greg MacDonald, of the Planning Department responded to Councillor Bruckler’s request that a pedestrian access be provided. He confirmed that an access was part of the plan.

The Chair invited anyone from the public wishing to speak to this issue to come forward. No one came forward.

The Committee approved the staff recommendation.
(ii) Proposed Permanent Closure of a Portion of Unopened Road Allowance of Edgehill Drive (PW06003/PED06023) (Ward 8) (Item 6.2)

The Chair invited anyone from the public wishing to speak to this issue to come forward. No one came forward.

The Committee approved the staff recommendation.

(f) STAFF PRESENTATIONS

(i) Replacement of Street Sweepers (PW05095a) - (City Wide) (Item 7.1)

Chris Hill, Manager of Central Fleet, provided a PowerPoint presentation. He advised that Wray Oakes would help him in answering the Committee’s questions and that Linda Harvey and Brian Montgomery were also in attendance to assist Committee.

Chris Hill indicated the importance of street sweeping in improving air quality and provided details with respect to the proposed purchase.

After some discussion, the Committee approved the staff recommendation.


Pat Parker, Manager of Waste Management introduced the consultants, David Merriman from MacViro Consultants and Stephen Plaice, from Jacques Whitford Ltd who made the PowerPoint presentation to Committee. A hard copy of the presentation was distributed to the Committee.

The presentation provided an overview of the Draft Report on Evaluation of “Alternatives To” and Selection of a Preferred Disposal System and outlined the steps taken to date.

Staff responded to questions posed by the Committee. The Committee received the presentation.
(iii) **Green Cart Program Staffing - (PW06010) - (City Wide) (Item 7.3)**

Beth Goodger made a PowerPoint presentation which provided an overview of the Green Cart Program Staffing report and a hard copy was distributed. She and Blair Smith responded to questions posed by the Committee.

The staff recommendation was amended. The Committee approved the addition of six (6) new Waste Collection Operators to support the Green Cart Collection program. The balance of the recommendation (i.e. the request for two full time and 5 temporary full time equivalent positions) was referred back to staff to find cost savings and report to the next Committee meeting in two weeks.

(g) **Discussion Items**

(i) **Recycling Program – Mixed Broken Glass Commodity Marketing (PW06008) (City Wide) (Item 8.2)**

The staff recommendation was amended by correcting the amount indicated in subsection (a) (which was $475,500 and should be $626,075) and by adding subsection (d).

(h) **Motions**

(i) **Highway #6 (North) Winter Maintenance (Added Item 9.2)**

Committee amended this motion by adding the words “or any other mechanism that would be advantageous” after the words “fence installation” in the last paragraph.

(i) **General Information / Other Business**

Changes were made to the Outstanding Business List as follows:

(i) Outstanding Business List Item G, Report on financial implications of various noise mitigation options for Redhill Valley Project, due date January 16, 2006 changed to **February 20, 2006**.

(ii) Outstanding Business List Item J, Update of current status of various intersections in the City (Red Light Camera List), due date January 16, 2006 changed to **April 3, 2006**.
(iii) Outstanding Business List Item N, Highway 52 Speed Limit change, due date December 5, 2005. (No copy) Report received by Committee on December 5, 2005 – Removed from Outstanding Business List.

(iv) Outstanding Business List Item R, Report on cost of operational review of Accessible Transit System to find efficiencies, due date January 16, 2006 changed to April 3, 2006

(v) Outstanding Business List Item Z, Safety concerns respecting Intersection located at Brock Road and Regional Road 97, due date January 16, 2006 changed to February 6, 2006


Councillor Braden requested that staff follow-up with the City Manager regarding the Peak Oil Report.

(j) Private and Confidential

(i) Ontario Water Resources Act Charges - Treated Effluent Diversion (City Wide)(LS02006c) (Item 12.1)

(ii) Edwards Landfill Site (Wards 5, 9 and 11)(LS06001)(Distributed under separate cover.) (Item 12.2)

Councillor Mitchell requested that he be allowed to provide information, while In Camera respecting a potential lawsuit with respect to the Glanbrook Landfill.

On a motion (Jackson/Mitchell) the Committee moved In Camera to consider subject matters pertaining to litigation or potential litigation which are subject to solicitor client-privilege.

On a motion (Braden/Bruckler) the Committee reconvened in Open Session. The Committee received Items 12.1 and 12.2 and had nothing further to report.
There being no further business, the meeting of the Public Works, Infrastructure and Environment Committee adjourned at 12:50 p.m.

Respectfully submitted,

Councillor Margaret McCarthy, Chair
Public Works, Infrastructure and Environment Committee

Ida Bedioui, Legislative Assistant
Public Works, Infrastructure and Environment Committee
January 16, 2006
### POLICY NO:
- **SUBJECT:** Multiple Unit Water Metering Policy
- **ELIGIBILITY:**

### PURPOSE:
The purpose of this policy is to ensure that all ICI or Multi Unit Residential sites within the City of Hamilton are master and sub-metered for water in an effective and efficient manner while increasing the level of customer service offered by the City and its staff.

### APPLICATION:
Each individual water service will be metered in accordance with Waterworks By-law R84-026 (as amended). Each individual sub service within the site will also be metered in order to provide equitable billing for all parties.

### GENERAL REQUIREMENTS:
All meter settings must meet current City of Hamilton specifications with respect to distances, valve arrangements, bypasses, care, and access. All sub settings in vertical multi unit buildings must be installed in a common area within the floor level that the meters are servicing. Settings in horizontal multi-unit buildings may be in each unit provided reading devices are located in one standard location.

### NEW CONSTRUCTION REQUIREMENTS:
All newly constructed buildings and complexes within the City of Hamilton shall be subject to the provisions of this policy beginning February 15, 2006.

### RENOVATION REQUIREMENTS:
Any property substantially renovated on or after February 15, 2006, shall be subject to the terms of this policy.

### VOLUNTEER REQUIREMENTS:
Any existing property owner shall make application to the Superintendent of Service Coordination if they wish to be part of the new policy.

### RATES:
All rates for services provided shall be subject to the rates established under schedule G of Waterworks By-law R84-026 (as amended).
Appendix B to Item 10 of Report 06-001

Multiple Unit Water Metering Policy Agreement

THIS AGREEMENT made in quadruplicate, this day of , 200:

BETWEEN:

CITY OF HAMILTON
(hereinafter referred to as the “City”)

- and -

(herinafter referred to as the “Owner”)

AGREEMENT

WHEREAS:

A. the Owner is the registered owner in fee simple of the land described as ________________________________ (hereinafter referred to as the “Land”);

B. the Owner has represented that there are no arrears of realty taxes on the Land and that the current municipal address and legal description of the Land as set out above is correct; and

C. the Owner is entering into this Agreement with the City in order to record the terms and conditions under which the Owner may provide for the installation, maintenance, repair and replacement, as the case may be, of a separate water meter in each of the units therein, subject to the terms and conditions hereinafter set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, covenants and agreements of the Owner herinafter set forth to be observed, fulfilled and performed, and the sum of One Dollar ($1.00) paid by the Owner to the City, the receipt and sufficiency of which is acknowledged, the parties do hereby covenant and agree as follows, namely:

1. The City shall permit the Owner to install and connect a separate water meter in each unit of the development.

2. The City agrees to bill each owner/tenant of the unit in the development for its water usage in accordance with the data provided by each of the said water meters.
3. The Owner agrees that the City will install, connect and take readings from a Master Meter for the entire development. The Owner further agrees that, in the event of any conflict or deviation, however caused, between the readings of this Master Meter and any or all of the individual meters installed pursuant to this agreement, the readings of the Master Meter shall govern in all circumstances.

4. The Owner agrees to include the following clauses in the Agreement of Purchase and Sale or Agreement to Lease for each unit in the development and/or in the condominium declaration to be registered against title to the Lands in respect of the development, namely:

“Purchasers/Lessees are advised that separate water meters have been installed in each of the units. Unit owners/tenants will be billed directly by the City of Hamilton or its agent for the charges related to water consumption within their respective units. Purchasers are further advised that the City will not be liable to any unit owner or to the Condominium Corporation for any losses, damages or expenses arising in any way from a failure in the operation of such water meters including, without limitation, losses arising from water damage or leakage or electrical failure.

Purchasers/Lessees are further advised that the City shall not be responsible for the cost of maintenance, repair or replacement of any water meter within an individual unit.

The Purchaser/Lessee herein further covenants and agrees to include the above clause in any subsequent Agreement of Purchase and Sale or lease for the subject unit herein.”

5. The Owner hereby indemnifies and saves the City harmless from and against any and all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses and loss which the City may at any time bear, incur, be liable for, sustain or be put to for any reason on account of or as a consequence of the said water meters being installed and operating in the residential units of the development.

6. The Owner agrees to ensure that any Condominium Corporation or Corporations to be established as a result of the development shall be bound by the terms and conditions of this Agreement including, specifically, the indemnity contained in paragraph 5 hereof. From and after the Condominium Corporation or Corporations agreeing with the City to be so bound, the Owner shall have no further liability or obligation under, and shall be released from, the indemnity contained in paragraph 5 of this Agreement.

7. The waiver or acquiescence by the City of any default by the Owner under any obligation to comply with this Agreement shall not be deemed to be a waiver of that obligation or any subsequent or other default hereunder.

8. Notices may be given to the Owner at the address set out below:
Appendix B to Item 10 of Report 06-001, Cont’d. . . .

Notices to the City may be addressed as follows (until the City gives notice otherwise):

City of Hamilton,
Attention: City Clerk,
71 Main Street West,
Hamilton ON L8P 4Y5

Notices to be given pursuant to this Agreement may be given by personal delivery to the parties or their solicitors or by registered mail. In the event of delivery during normal business hours notices shall be deemed to have been received when delivered and shall otherwise be deemed to have been received on the next business day following such delivery. In the event of registered mail notices shall be deemed to have been received five (5) business days after the date of mailing (except in the circumstances of actual or threatened postal stoppage in which event notices shall be delivered only).

9. The Owner shall, at its expense, register this Agreement on title to the Land in priority to all mortgages and charges. Such registration shall be in an electronic format or in a paper format, as may be required by the Land Registry Office.

10. The Owner's lawyer shall provide to the City a Lawyer's Certificate of Title and Registration in which the Owner's lawyer shall certify to the City, in a form satisfactory to the City’s Corporate Counsel, acting reasonably, that this Agreement has been entered into by the registered Owner of the Land and that this Agreement has been registered, as required herein, on title to the Land.

11. This Agreement shall endure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties have executed this Agreement on the date first written above.

CITY OF HAMILTON
Per:

APPROVED AS TO FORM:

______________________________
Mayor

Legal Services
(1-054/98.30)

______________________________
Municipal Clerk

In the presence of:

______________________________
Per:

Witness: _______________________
(Print Name):

I have authority to bind the Corporation.
Appendix B to Item 10 of Report 06-001, Cont’d.

*1. If party is a corporation:
   (i) please sign in **black** ink;
   (ii) please **print** name and **title** below signature lines; and
   (iii) please use Corporate Seal and print the phrase “I have authority to bind the Corporation”.

*2. If party is an individual:
   (i) please sign in **black** ink;
   (ii) please **print** name of individual(s) below signature line(s);
   (iii) please have signature(s) witnessed;
   (iv) please have witness(es) sign; and
   (v) please print name of witness(es) below signature line(s).